All enquiries: planning@conservancy.co.uk

CHICHESTER HARBOUR CONSERVANCY

Havant Borough Council
Development Management
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

BY EMAIL ONLY

8th July 2026

Dear Amy,

Application: APP/26/00367 - Construction of MOT Testing Centre with Proposed B2 Use.
Location: Hayling Yacht Company, Mill Rythe Lane, Hayling Island, PO11 0QQ

Thank you for consulting Chichester Harbour Conservancy on the above planning application. Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for conserving natural beauty within a National Landscape (formerly AONB). Further details are explained in the Appendix to this response.

Please note that the above case has been considered as a fully delegated decision by the Principal Planning Officer at Chichester Harbour Conservancy.

Chichester Harbour Conservancy's Response

NO OBJECTION WITH CONDITIONS:-

1) **Colour finish of building to be agreed prior to construction;**
2) **Acoustic report to satisfactorily address impacts to SPA and scenario with MOT facility doors open prior to any permission being granted;**
3) **Construction and Environment Management Plan be required by condition and approved by the Council's Ecologist prior to commencement of any development;**
4) **External lighting to be agreed.**

Conditions are to be read in conjunction with the overall recommendation and should not be separated.

Chichester Harbour Conservancy
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Reasoned Justification

1.0 Site description

1.1 Hayling Yacht Company (HYC) is a boat yard located on the east coast of Hayling Island, at the head of the southern part of Mill Rythe, a tidal inlet of 2 arms divided by the headland of Verner Common. The site lies within the National Landscape and in the rural area as defined in the Havant Borough Core Strategy. The boat yard has been operating on the site since 1935, and provides customers with dry land winter storage, maintenance and repair service and facilities, osmosis treatment and pontoon berthing.

1.2 The boatyard is accessed via Mill Rythe Lane which also gives access to a wider industrial area incorporating various business units including dog grooming, motorhome sales, motorcycle sales and car repairs. Being employment land, it is safeguarded under Policies CS2 and DM3 of the Core Strategy and The Conservancy's own Planning Principle 02 – a material planning consideration through its Management Plan, whose aims are to be met through Core Strategy Policy CS12.

1.3 Paddocks adjoin to the west, used by a Donkey Sanctuary. There is an isolated run of housing on the northern side of the junction of Mill Rythe Lane and Havant Road. Apart from the collection of commercial buildings, the site is surrounded by countryside with the northern side of Mill Rythe Lane more wooded in character. Fields south of the site are important for Brent Geese and Waders under Policy DM23 of the Site Allocations DPD.

1.4 There are a mixture of buildings at and around the site, which have a wholly commercial, utilitarian appearance of single and two storey scale and a mixture of materials from brick, render and corrugated cladding. The site is enclosed by 3.8m high boundary walls / fences and a line of mature trees are situated alongside the southern and western site boundaries.

1.5 The large boat sheds and other buildings are visible from the wider landscape and water to the north, including from the foreshore public footpath, and from the water to the east and southeast, including from the main Harbour channel, viewed in the context of the surrounding boats and their masts, the adjacent industrial buildings, and against a backdrop of mature trees.

1.6 The red site outline is located within an enclosed car parking/boat storage area to the east of the main boatyard. The area also contains various temporary type buildings.

2.0 Relevant recent planning history

2.1 A pre-application enquiry was submitted in autumn 2025 for the erection of 3 padel courts with associated parking and facilities (GEN/25/00777) within the same car and boat parking area as the current application site. The Conservancy advised that an objection would likely be raised to an application on the basis that no marketing evidence has been submitted relating to the importance of the site in terms of the overall operation and viability of the adjacent boatyard and berthing facilities; and that evidence ought to be submitted to demonstrate that a more sequentially suitable town or local centre site is not available within the Borough. In addition, we concluded that the visual impact of the

development would be harmful and not conserve or enhance the Chichester Harbour National Landscape.

2.2 Outline planning permission was sought for an MOT testing station in Spring 2025 (APP/25/00900). Chichester Harbour Conservancy raised a holding objection on three grounds:-

1) *"The application site is currently in mixed storage use (labelled as 'boat yard/car park' on the submitted plans) including marine storage and forms part of the Hayling Yacht Company site (a marine-related business). In the context of Core Strategy Policy CS2 and Planning Principle PP02, a change of use to non-marine employment use should be resisted in the absence of a business case demonstrating that the marine business no longer needs the site and a detailed analysis in terms of the on-going viability of the marine business, were this land to no longer be available to it and the proposed access through the site used by the proposed MOT testing station.*

2) *The proposed building would be a large utilitarian structure visible from Havant Road as well as the Harbour and in the absence of plans of the proposed building and a visual impact assessment forming part of the application, it has not been demonstrated that the proposals would conserve and enhance the natural beauty of the National Landscape.*

3) *The application fails to demonstrate that the proposed use would not cause a harmful level of impact to the adjacent nature conservation sites in terms of noise disturbance and air/water/light pollution, in this highly sensitive location in close proximity to Brent Geese fields and internationally important intertidal habitats and within the Dark Skies of the National Landscape.*

The applicant should provide further information to address these points in order for Chichester Harbour Conservancy to be satisfied that the proposals would not cause a loss of marine-related use or harm the viability of Hayling Yacht Company as a marine-related business, would not cause harm to the natural beauty of the National Landscape, and would not cause disturbance and pollution to the nearby designated nature conservation sites. If further information is submitted that demonstrates no harm regarding these points, then Chichester Harbour Conservancy will consider removing its objection."

2.3 In response, the applicant submitted a business case statement to explain why the site was no longer needed for the boatyard, as well as detailed plans of the proposed building. Chichester Harbour Conservancy maintained its objection on ground 3 (ecological impact) but concluded that grounds 1 and 2 (loss of marine-related use and landscape/visual impact) had been addressed. We commented as follows:-

"Following the submission of further information including the Business Case Statement and proposed plans of the building, the Conservancy is satisfied that grounds 1 and 2 of our holding objection dated 2nd February 2026, relating to loss of marine use and landscape/visual impact, have been addressed. However, despite our comments, and noting the comments of the Council's Principal Ecologist, there is still no ecological assessment to address the likely impacts on the adjacent nature conservation sites (including the adjacent Brent Geese fields) from noise disturbance or air/water/light pollution from both construction and operation of the proposed building and site, and

therefore this ground for objection is maintained unless and until this is addressed, as outline planning permission should not be granted until the LPA is satisfied that any recommended mitigation, compensation and enhancement measures set out in an ecological report would be sufficient to address any impacts, and can be secured through a condition.

Once this point has been addressed satisfactorily, we would ask that any permission granted is subject to conditions to include limits on operational hours, work being contained within the building, the finished colour of the building being agreed, and the work being carried out in accordance with the recommendations made in an ecological assessment (likely to include limits on lighting, hours of operation, pollution control measures, and adhering to a Construction and Environmental Management Plan, etc).

OBJECTION ON THE FOLLOWING GROUNDS: The application still fails to demonstrate that the proposed use would not cause a harmful level of impact to the adjacent nature conservation sites in terms of noise disturbance and air/water/light pollution, in this highly sensitive location in close proximity to Brent Geese fields and internationally important intertidal habitats and within the Dark Skies of the National Landscape."

2.4 The application has still not been determined at the time of writing and we are unsure as to why it is running concurrently with this application.

3.0 Related Planning Policy framework

•National Planning Policy Framework (NPPF) (Revised Dec 2024), paragraphs 11, 135, 189.
•National Planning Practice Guidance (NPPG) (2014 onwards).
•Havant Core Strategy Policies CS2 (Employment), CS12 (Chichester Harbour AONB), DM3 (Protection of Existing Employment and Tourism Sites).
•Havant Local Plan Allocations Policy DM23 (Sites for Brent Geese and Waders).
•Chichester Harbour Management Plan 2025-2030 – Policy Aim 4: Conservation of Nature, and 4.4: A Naturally Beautiful Landscape.
•CHC Planning Principles PP01 (Great Weight for a Nationally Important Landscape), PP02 (Safeguarding Marine Enterprise), PP04 (New Commercial Development within the Rural Area), PP09 (Dark Skies and Light Pollution).
•Joint CH AONB Supplementary Planning Document (SPD) (2017).
•Chichester Harbour Landscape Character Assessment (CBA update 2019).

4.0 Key remaining issues:

4.1 Ecological Impact

4.11 The Conservancy's Ecologist has commented that there is no objection in principle to the proposed MOT use; however, he would like to see the acoustic report cover the potential impacts to the SPA, as it appears to cover only the impacts to the 'brent goose area' and the report should clarify the sound impacts on the adjacent intertidal SSSI/SPA. Construction should be conditioned to be carried out outside the wintering bird season.

4.12 We note the comments of the Council's Ecologist regarding the lack of assessment of noise when the MOT bay doors are open – we would also ask that this is rectified in the

report. As he states, a Construction Environment Management Plan should be secured by condition as a means of ensuring that impacts are and continue to be avoided.

5.0 Impact on Chichester Harbour National Landscape

5.1 Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing National Landscapes (NLs). This responsibility finds expression through Core Strategy Policy CS12 and has recently been strengthened through Section 245 of the Levelling -up and Regeneration Act of 2023, where local authorities are now charged with furthering the purposes of NLs.

5.2 The site is relatively well screened from Mill Rythe Lane and Havant Road to the north and west due to the existing buildings, boundary enclosures and mature tree screening. The Design and Access Statement states that the building would be 6.1 metres in height to the roof ridge, which would be visible above the boundary treatments and through the two lines of trees in the winter months from Havant Road to the west, however, would be viewed in the context of the other large commercial sheds, and behind the various boats and their masts which are stored at the boatyard from the wider landscape to the east, and therefore on balance, provided a suitably dark, muted colour finish is chosen for the PPS Kingspan cladding, significant harm to the natural beauty of the National Landscape is not anticipated. We recommend avoiding light grey and opting for dark elevations and roof, given the treed backdrop of the site.

5.3 The proposed additional building and use would be likely to increase external lighting, which has the potential to negatively impact the Dark Skies of the National Landscape, and therefore a condition should be included to agree any external lighting to avoid any negative impacts.

Yours sincerely,

Linda Park

Principal Planning Officer
Chichester Harbour Conservancy

Appendix

Chichester Harbour National Landscape
Chichester Harbour was designated as an Area of Outstanding Natural Beauty (AONB) in 1964. Since 22nd November 2023, all AONBs are referred to as 'National Landscapes' to better reflect their national importance. Chichester Harbour is the smallest mainland National Landscape in England, and is quite rightly regarded as a nationally important **protected landscape.**

Local Planning Authorities must give great weight to the primary purpose of the AONB designation.

> The primary purpose of the AONB designation is to **conserve and enhance the natural beauty of the area**. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry, and other uses.

All relevant authorities, including Local Planning Authorities, have a new strengthened duty as of 26th December 2023, under the Countryside and Rights of Way Act 2000, to 'seek to further the purpose' of conserving and enhancing the natural beauty of the AONB (National Landscape).

Chichester Harbour Conservancy
Chichester Harbour Conservancy was established in 1971. It is a unique organisation in that is the only Statutory Harbour Authority with responsibility for the conservation of natural beauty within a National Landscape. Its purposes extend beyond that of other National Landscapes, to include leisure, recreation, and the conservation of nature.

The management of the National Landscape was formalised through the Countryside and Rights of Way Act of 2000 with Chichester Harbour Conservancy appointed as the Joint Advisory Committee (JAC) for the National Landscape.

Chichester Harbour Conservancy's Planning Committee
Chichester Harbour Conservancy utilises a member-led Planning Committee to act on behalf of the Conservancy Board in responding to the larger of more controversial planning applications and consultations. Membership is derived from the Conservancy Board and the Statutory Advisory Committee. The Conservancy's Case Officer reports, agendas, and minutes of past meetings are on the Conservancy's website.

Chichester Harbour Statutory Management Plan
The Chichester Harbour Management Plan (2025-2030) details the Special Qualities of the National Landscape and features four policy aims to guide its management. Chichester Harbour Conservancy prepared the Management Plan on behalf of the Local Planning Authorities. The Plan was subject to a public consultation over 8 weeks and is a material planning consideration under Policy NE14 of the Chichester Local Plan (2021-2039) and Policy CS12 of the Havant Borough Core Strategy. This means it is relevant in making planning decisions within and around Chichester Harbour National Landscape.
Chichester Local Plan 2021-2039
Havant Local Plan (Core Strategy) 2011 and Allocations Plan 2014

Chichester Harbour Planning Principles
Chichester Harbour Conservancy has developed seven Planning Principles to guide development in and around the National Landscape. These Planning Principles can be read on page 41 of the Management Plan. The Planning Principles directly inform whether a planning application is likely to be supported by the Conservancy, therefore applicants for planning permission are advised to meet and demonstrate compliance with these Principles (where appropriate).

Chichester Harbour AONB Landscape Character Assessment
The purpose of the Landscape Character Assessment is to provide an understanding of the unique landscape character and special qualities of the Chichester Harbour National Landscape to inform the development of National Landscape Management Plans and wider planning policy. The Landscape Character Assessment is a material planning consideration.

Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document (SPD)
Chichester District Council and Havant Borough Council jointly published guidance on development proposals in Chichester Harbour AONB in 2017. It expands upon the relevant policies in the Local Plans, particularly relating to the design of replacement dwellings and extensions and provides photographic examples showing the impacts of developments and suggested techniques for limiting those impacts. The Joint SPD is a material planning consideration.

National Landscape Impact Statement
All applicants inside the National Landscape are recommended to submit a National Landscape Impact Statement to the Local Planning Authority to show how the application:

a) will conserve and enhance natural beauty;
b) complement the special qualities of the National Landscape and
c) will deliver the adopted Policy Aims and meet the Planning Principles in the Management Plan.

Applicants that spend time on preparing a National Landscape Impact Statement are likely to negate questions along these lines arising at a later date.

Conservancy Works Licence
The Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48) makes it an offence for any person to construct, alter, renew, or extend any works on, under or over tidal waters or tidal lands below the level of Mean High-Water Springs in Chichester Harbour unless licensed to do so by the Conservancy. Approval must be gained before any works commence. Guidance notes can be found here.

Natural England
Natural England is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs. It is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology, and soils, are protected and improved. It also has a responsibility to help people enjoy, understand, and access the natural environment. Natural England advises that Chichester Harbour Conservancy's "knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's Statutory Management Plan, will be a valuable contribution to the planning decision."

Summary of Environmental Designations at Chichester Harbour

Worldwide Designation	Ramsar Site	Wetlands are among the most diverse and productive ecosystems. Chichester and Langstone Harbours were recognised as a wetland of international importance when they were designated as a Ramsar Site in 1987, under the Ramsar Convention.
Nationally Important Designations	National Landscape	A National Landscape (formerly AONB) is a landscape which is considered so precious that it is protected for the nation. The criteria for designating a National Landscape include valuable wildlife, habitats, geology, and heritage, as well as scenic views. Chichester Harbour was designated as an AONB in 1964.
	Bass Nursery Area	A Bass Nursery Area is a place that is recognised as a haven for small school bass. Fishing for bass, or fishing for any fish using sand-eels as bait, by any fishing boat within any part of the Harbour as defined, is prohibited between 30th April and 1st November each year. Chichester Harbour was designated a Bass Nursery Area in 1990.
	Site of Special Scientific Interest (SSSI)	Chichester Harbour was designated a Site of Special Scientific Interest in 1970 because it was of special interest by virtue of its fauna, flora, geological or physiographical / geomorphological features.
	Special Area of Conservation (SAC)	A Special Area of Conservation is a site designated under the Habitats Directive. These sites, together with Special Protection Areas, are called Natura sites and they are internationally important for threatened habitats and species. Solent Maritime SAC was designated in 1994.
	Special Protection Area (SPA)	A Special Protection Area is a site designated under the Birds Directive. Chichester and Langstone Harbours SPA was designated in 1979.
	Water Framework Directive	This aims for good water quality and covers groundwater, surface water (rivers, canals, lakes, reservoirs, estuaries, other brackish waters, and coastal waters) out to one nautical mile from shore as well as wetlands. The Directive, which came into effect in 2000, gives shellfish harvesting waters and bathing waters special protection.
Locally Important Designations	Conservation Area	Conservation Areas protect special architectural and historical places of interest. There are ten Conservation Areas in and around Chichester Harbour.
	Dark Sky Discovery Site	Three Dark Sky Discovery Sites were defined in Chichester Harbour in 2017. They are particularly good sites for stargazing.
	Local Nature Reserve	Local Nature Reserves are particularly appropriate for educational, research or public information purposes. There are five Local Nature Reserves in Chichester Harbour.
	Local Wildlife Site	Local Wildlife Sites in West Sussex feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of a Sites of Importance for Nature Conservation in Hampshire. There are 16 Local Wildlife Sites in Chichester Harbour.
	Site of Important for Nature Conservation (SINC)	Sites of Importance for Nature Conservation in Hampshire feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of Local Wildlife Sites in West Sussex. There are 25 SINCs in Chichester Harbour.

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